

Platform Reps

SWEDEN: Country report 2022



1. Context: Social dialogue and work in platforms

According to Eurofound, the overall quality of social dialogue in Sweden is second-highest in the EU (see **Figure 1** below).

Figure 1: Industrial Relations Index (2013-2017)¹



Source: [Eurofound Industrial Relations Index](#)

At the same time, more people (measured as a share of the adult population) worked in digital labour platforms (hereafter referred to as “plat-

forms”) in Sweden than in the EU (**Figure 2**).

Figure 2: The share of workers in platforms in the adult population (2021)²



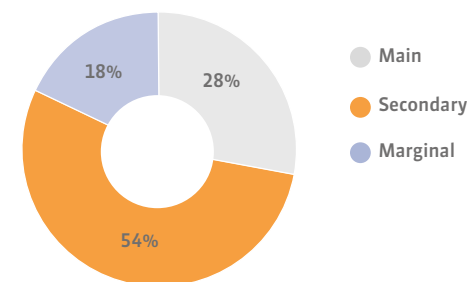
Source: EC (2021); Eurostat.

According to the EC’s 2021 estimates, up to around 792,000 people might have engaged in work in platforms in Sweden more than sporadically, i.e., at least 10 hours a week or con-

tributing to more than 25% of their income (**Figure 3**).³

Figure 3: Number and categories of workers in platforms (2021)⁴

Number of workers in platforms: 4.02m



Source: EC (2021)

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1. The index measures the overall quality of the “collective and individual governance of work and employment” across four categories, based on 47 indicators. See: Eurofound (2018). *Measuring varieties of industrial relations in Europe: A quantitative analysis*. Publications Office of the European Union, Luxembourg., p. 1.

2. The numbers cited are an upper-bound estimation based on 2021 survey results. They cover all types of work in platforms from low- to high-skill and from on-location (e.g., transport, delivery) to online work (e.g., ICT, data entry, creative work). See: EC (2021). [Study to support the impact assessment of an EU initiative to improve the working conditions in platform work](#).

3. The Swedish Government Official Reports (SOU) estimated that the number of workers in platforms would be between 260,000 and 400,000 in 2020. However, this number was a projection, based on 2017 survey data, and does not account for the exponential growth of the platform economy during Covid. See SOU (2021). [Mikroföretagarkonto – schabloniserad inkomstbeskattning för de minsta företagen](#).

4. **Main** workers work through platforms for at least 20 hours a week or receive at least 50% of their income therein. **Secondary** workers spend between 10 and 19 hours per week or receive between 25% and 50% of their income from work in platforms. **Marginal** workers spend less than 10 hours a week working via platforms and get less than 25% of their income via platforms.

2. Current legal framework

2.1. LABOUR LAW

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Sweden has no unified labour code, and labour rights are regulated by statutes, case law, and collective agreements.⁵ While **the Swedish legal framework provides two main categories of workers – employees and the self-employed** (or “sole traders”), there is no statutory definition of either. Instead, the nature of the employment relationship is determined on a case-by-case basis based on extensive case law.

The courts consider the following factors when making their overall assessment to determine whether or not a specific person is an employee:⁶

- A personal duty to perform work according to the contract
- The actual personal performance of work
- The existence or not of predetermined tasks
- A lasting relationship between the parties
- Preventing the worker from performing similar work for someone else
- Subjecting the worker to the orders and control of the employer concerning the content, time and place of work

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5. The Employment Protection Act is the most essential statute; others include, for example, the Discrimination Act, the Annual Leave Act, the Personal Data Act, the Parental Leave Act, the Working Hours Act, the Work Environment Act and the Sick Pay Act. See L&E Global (2022). [Employment law overview: Sweden 2021-2022](#).

6. Rönmar, M. (2004). The personal scope of labour law and the notion of employee in Sweden. In *The 7th JILPT Comparative Labour Law Seminar* (pp. 159-165).

7. For example, courts might consider the “social criterion”, i.e., the worker’s dependence and insecure position can grant them an employee status.

8. Rönmar (2004).

9. Medlings-Institutet (2021). [Årsrapport för 2021](#).

10. Although the [Swedish Work Environment Authority](#) has the mandate to inspect workplaces to ensure laws about work environment and working hours are followed

11. L&E Global (2022). [Employment law overview: Sweden 2021-2022](#).

- The use of machinery, tools and raw materials provided by the employer
- Compensation of the worker’s expenses
- Remuneration paid, at least in part, as a guaranteed salary
- The economic and social situation of the worker being equal to that of an ordinary employee (e.g., the worker’s insecure economic position vis-à-vis economic independence of a self-employed with an established client base)

Although these factors are indicative of the employment relationship, the notion of an employee is extensive, and no single aspect is considered necessary or sufficient for the existence of the employment relationship.⁷ **Sweden also emphasises the subordination of the worker much less than other countries** (traditionally a fundamental criterion for delineating employees from the self-employed).⁸ In the context of collective bargaining, the Swedish law also introduces a sub-category of the self-employed – “dependent contractors”. They are classified as self-employed in the Swedish binary typology, but the Co-Determination Act grants them the

same rights as employees to organise, negotiate and strike. A dependent contractor is defined as someone “who works for another and at that time is not employed by them but has a position that is essentially the same as an employee’s”.

While the statutory law guarantees basic access to rights for all employees, **collective agreements are the most important tools for regulating working conditions and access to rights**, including wage floors, pension schemes, etc. Approx. 90% of employees in Sweden are covered by a total of approximately 700 collective agreements.⁹ The enforcement of laws related to the work environment and working conditions (including occupational health and safety) lies with trade union-elected safety representatives and the [Swedish Work Environment Authority](#). At the same time, trade unions are largely responsible for overseeing the implementation of collective agreements.¹⁰ Finally, disputes can be settled by the Swedish Labour Court, although most disputes are solved through consultations and negotiations between social partners.¹¹

2.2. PLATFORM-SPECIFIC LEGISLATION

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One relevant regulation in the area of transportation was passed in 2021 by the Swedish government.

Swedish taxi regulations

In June 2018, the Swedish Parliament approved a new category of taxis, exempt from the taximeter requirement. These taxis must be affiliated with a dispatch centre, which registers data on each ride and organise booking, fare, payment and the route, instead of a

taximeter. The changes were made following controls, which showed that 83% of Uber drivers have either not been using their metres or recorded payments that were lower than the actual ones. Only 68% of earnings were reported to the tax authorities.

Uber in Sweden has extended its business model over time. Uber drivers, who do not

own a car, can become “fleet partners”, meaning that they can use a car owned by someone else (a “fleet owner” as termed by Uber). Uber also gives drivers the opportunity to “lease” or buy a car through the platform.

Source: Visionary Analytics, based on Eurofound (2021). [Uber and taxi regulations in Sweden](#); and Lindahl, B. (2020). [When Uber met the Nordics](#).

Nevertheless, no national legislation exists or is foreseen to address workers’ status and working conditions in platforms specifically. Trade unions in Sweden have stressed that such regulation (or a collective agreement for the platform economy) may not be necessary, not least because it would suggest that platforms constitute a separate sector. According to the trade unions, this is not the case – the platforms simply introduced a new business model to already existing markets and **should be therefore treated on equal terms with other firms, including the coverage of their workforce under existing sectoral agreements.**¹²

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3. State-of-play of workers' rights

Workers enjoy different access to labour rights, depending on their status, as summarised in **Table 1** below.

Table 1: Worker statuses and corresponding labour rights

Worker status	Legal basis	Social security	Union representation	Collective bargaining
Employee	Labour law, collective agreements	✓	✓	✓
Self-employed	Civil law	✓ (self-paid)	✓*	✗*

Source: Visionary Analytics, based on interviews and Westregård, A. (2020). [Platform work in Sweden: How to improve working conditions and social protection](#).

Note: *With the exception of persons classified as “dependent contractors”

First, **the employment conditions depend on worker status**. Although the levels of social protection for employees and the self-employed are closely aligned, some issues remain. For example, the self-employed have to self-finance their contributions, and the rules regarding the access to social protection for employees who provide services as freelancers as an additional income source are somewhat complicated.¹³ Most importantly, the labour regulations cover only employees, and many self-employed (with the exception of “dependent contractors”) have no right to representation and collective bargaining, which is the gateway for access to most labour rights. Finally, although there are no legal rules preventing trade unions from or-

ganising the self-employed and some unions do include them as members, the majority of trade unions still only associate workers because they can be covered by collective agreements.¹⁴ It is currently difficult to estimate the share of employees and the self-employed in the platform workforce, but both statuses prevail. Additionally, workers (employees) in some platforms have been covered by sectoral collective agreements (see the section below), which provides an additional layer of protection and rights.

Second, **working conditions vary across sectors**. Some online gig workers (e.g., content writers or consultants working through platforms such as Upwork) are relatively well-off and enjoy auton-

omy and flexibility (although they face a degree of insecurity as well). Others work under very precarious conditions (including wages below levels established in collective agreements), particularly in the delivery sector.¹⁵

In general, according to the Swedish trade unions, the legal framework in Sweden is well-designed and well-established to ensure the fair treatment of workers. However, several obstacles have emerged in the context of platforms, including:

- **Platforms evade their responsibilities:** The “Swedish model“ assumes that firms take responsibility as employers in the collective

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13. Interview results

14. Interview results

15. Interview results

bargaining process. However, many platforms refute this assumption, claiming not to be employers and positioning themselves as intermediaries or “tech start-ups”.

- **They construct artificial employment structures:** Some platforms (especially in the on-lo-

cation sectors) use intermediaries (staffing companies) to employ drivers or riders. This creates uncertainty about who is responsible for ensuring appropriate working conditions – the platform, which in fact controls the work of an employee, or the intermediary company, which formally employs them (see

the court case example below).

- **They have no offices in the countries where they operate:** Many platforms are not registered in Sweden, which makes it difficult for trade unions to approach them and try to enforce the Swedish legal norms.¹⁶

Foodora court case

The Swedish Transport Workers’ Union filed against Foodora for the dismissal conditions of a worker. A bicycle courier was initially employed by Foodora on a fixed-term basis. When he switched to delivering by a motorbike, he was referred to sign a contract with an intermediary staffing company but continued to work for Foodora under substantially similar conditions (Foodora’s collective agreement is structured in a way that only covers workers delivering on bicycles). After the contract

was signed, the worker received, inter alia, a salary from the intermediary company. A dispute arose as to whether the worker should be considered to have remained employed by the original company (Foodora), whether the employment was for an indefinite period, whether he had been dismissed from that employment and whether there was a factual basis for dismissal.

In the broader context, **the court case was hoped to clarify the obligations of the employer** – be it the platform or the intermediary company. The status of the intermediaries was

also expected to be clarified since they currently operate in legal limbo. The Court decided in November 2022 that Foodora had no employer liability in this case. However, it also ruled that the intermediary should be considered a staffing company. This opens up an opportunity to include such companies under the “temporary agency” sectoral collective agreements.

Source: Visionary Analytics, based on interview results and Swedish Labour Court (2022). [Mål nr A 154/21](#) (2:1) and ETC (2022). [Vänstern tvekar om gigjobbarnas rättigheter](#).

No courts have, so far, ruled on issues related to working or employment conditions of workers in platforms in Sweden. However, in 2020, following a public inquiry, the Swedish Work Environment Authority ruled that Taskrunner and

Tiptapp (platforms offering home and delivery services such as assembly of furniture, transport of goods, repair work, etc.) should be responsible for the work environment as de facto employers. The authority imposed a SEK 75,000 fine on

Taskrunner for negligence in this respect.¹⁷ Furthermore, a court case concerning the use of a staffing company by Foodora is currently in progress.

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16. Interview results

17. Taskrunner refused to pay and appealed the fine to the administrative court in Malmö, which at the beginning of the summer agreed with the gig company. The Work Environment Authority is now appealing the administrative court’s judgment to the Court of Appeal. See Augustin, J. (2021). [Konflikten för gig-bolag fortsätter – dom överklagas](#).

4. State-of-play of union action

Trade union action in Sweden focuses primarily on bringing the platforms under the existing sectoral collective agreements, as summarised in **Table 2** below.

Table 1: Legislative Framework in Belgium

Sectoral agreement	Year	Platforms	Trade union
The general collective agreement for white-collar workers	2017	Gigster	Unionen
The collective agreement for temporary agency workers	2017	JustArrived, Instajobs	Unionen
Sectoral and company agreement	2021	Foodora	Swedish Transport Workers' Union

Source: Visionary Analytics, based on the sources in the hyperlinks.

Unions associating white- and blue-collar workers are organising few specific awareness-raising or outreach activities in Sweden addressed specifically at workers in platforms. Workers in platforms are seen as potential union members and subjects of collective agreements, but no “extraordinary” measures are directed at them. However, unions focused on sectors with high platform presence, do engage in targeted organising towards workers in platforms – this is most prominent in the delivery sector, where the Swedish Transport Workers Union has put a lot of emphasis and effort into empowering drivers and riders.¹⁸ On the platforms’ side, they are generally very reluctant to engage in negotiations with workers’ representatives.

The key obstacles to more effective unionisation of workers in platforms are presented in **Table 3** below.

Table 3: Obstacles to unionisation for workers in platforms

Legal	Social and cultural	Related to platforms’ business model
<ul style="list-style-type: none"> - Positioning of platforms as “tech” companies and avoiding their responsibilities as employers, including to sign collective agreements. 	<ul style="list-style-type: none"> - Precarious working conditions (especially among third-country nationals in on-location sectors). - Little awareness among the workforce about access to rights in the Swedish model. - A degree of distrust towards authorities and “the system” among some workers - Low union density in platforms. 	<ul style="list-style-type: none"> - High worker turnover. - Work organisation in platforms, including the dispersion of the workforce and no common space to meet and organise (particularly for online gig workers). - Scarce data on platform economy and workers - Fear of retaliation from platforms.

Source: Visionary Analytics, based on interview results.

5. Action checklist

For a Directive of the EC and/or the ETUC policy proposal

In general, regulating the market (and especially a narrow segment of the market) via legislation is not a common way to address problems in the labour market in Sweden. The provisions of the labour law are relatively generic, and specific rules are agreed upon via sectoral collective bargaining. Furthermore, no platform-specific legislation is necessary in general, as it would position platform companies as a different market segment (rather than including them under sectors pertinent to their business activity). This is particularly important given that platforms span many sectors and differ from one another, e.g., in terms of services they provide, a platform taxi company is more similar to other “traditional”

taxi companies than to any other platform. Therefore, supporting the aim to improve working conditions in platform work, **the Swedish trade union confederations believe it is of great importance that the directive allows for national flexibility where different labour market systems are taken into account.**

Looking into specific provisions of the proposal for a Directive of the EC, most importantly, the idea of employment presumption based on specific criteria, applicable only to this narrow platform context, goes against the Swedish legal framework, where the definition of an employee is fluid and extensive, and the employment relationship is decided on a case-by-case basis, taking into consideration a variety of factors (including social). Furthermore, there is no labour market authority in Swe-

den that could take on the role of enforcing the regulation; instead, trade unions are the “guardians” of the collective agreements.

Although the ETUC simplifies the procedures for the classification of workers and relies more on national rules for defining workers, according to Swedish trade union it does not address the underlying challenge, which is the tool itself. Therefore, the Directive should not infringe on the Swedish legal system and social contract and allow, for example, to address the issue of working conditions of workers in platforms not via legislation, but through well-established mechanisms of collective bargaining, as is the case in Sweden.

Source: Visionary Analytics, based on interview results.

Preliminary suggestions for actions are summarised in **Table 4** below.

Table 4: Action checklist in two main areas

Policy	On-the-ground action
<ul style="list-style-type: none"> - Consider how to address the broader changes to the employment trends; for example, how to ensure fair and clear rules regarding the coverage under the legal framework of people who are employees and freelance at the same time. - Continue working towards including more platforms under sectoral collective agreements. - Consider how Sweden could implement the EU Directive not to undermine existing mechanisms in the “Swedish model”. 	<ul style="list-style-type: none"> - Ensure platforms’ compliance with the signed collective agreements. - Step up awareness-raising and outreach to workers in platforms – even though they are equal to other workers, they often constitute a more vulnerable population in need of more support (including third-country nationals with no knowledge of Swedish). - Work to increase union density in platforms, increasing the bargaining power and representativeness in negotiations with platforms.

Source: Visionary Analytics, based on interview results.